



Government of
Saskatchewan

2005-2006 Annual Report

Saskatchewan
Justice

*The Freedom of Information
and Protection of Privacy Act*



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Letter of Transmittal



Her Honour the Honourable Dr. Lynda M. Haverstock
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

In accordance with Section 63(1) of *The Freedom of Information and Protection of Privacy Act*, I have the pleasure to present the 2005-2006 annual report of the administration of this Act and the regulations within each government institution during the period April 1, 2005 to March 31, 2006.

A handwritten signature in cursive script that reads "Frank Quennell".

Frank Quennell, Q.C.
Minister of Justice and Attorney General

Governing Legislation

The Freedom of Information and Protection of Privacy Act was passed in June 1991 and proclaimed April 1, 1992.

The Act applies to all departments, secretariats and similar agencies of the executive government of Saskatchewan. The regulations extend that coverage to a broad range of Crown Corporations, Boards, Commissions and other bodies with government appointments.

The Act is really "two Acts in one."

First, the Act provides a right of access to records in the possession or control of provincial "government institutions."

Secondly, the Act establishes protection of privacy rules specifying how the government collects and deals with personal information.

The Act applies to records in all formats, such as written, photographed, audio-visual, and computer generated.

Department of Justice Responsibilities

The Department of Justice provides direction and support to government institutions and to the public, as it relates to *The Freedom of Information and Protection of Privacy Act*. The Department:

- monitors the administrative procedures, and recommends and implements changes as necessary;
- co-ordinates the preparation of the annual report, including the collection of quarterly statistics; and
- provides training on an ongoing basis.

In 2005, the Department enhanced this role by creating an Access and Privacy Branch to support government institutions with a goal of improved management of public access to government records and improved privacy protection for personal information.

The objectives for the branch include:

- providing a leadership role within government on access and privacy issues;
- providing or supporting training and awareness of access and privacy issues in support of the Act; and
- preparing privacy and access tools (e.g., guidelines, checklists, etc.) for government.

Further information is available at the Access and Privacy Branch web site:
www.saskjustice.gov.sk.ca/foi.

Institutions' Responsibilities

The Act applies individually to each government institution. The "Head" is responsible for decisions under the Act, including responding to applications for access and protecting privacy of personal information. Under Section 60 of the Act, the Head can delegate the powers to one or more officers of the government institution.

Access to Records

The Act gives individuals the right to access records of Saskatchewan government institutions. The Act sets out the rules that govern the process, including:

- how a government institution must respond;
- the collection of fees to prepare the records for response, including when to provide a cost estimate and when the Head may waive fees;
- setting a 30-day time limit for a response (which may be extended in accordance with the Act);
- identifying reasons under the law for which access to all or part of a record may be denied; and
- the right of the applicant to request a review by the Information and Privacy Commissioner in certain circumstances.

Reports

The Department of Justice collects and reports on statistics generated by use of the Act. These reports provide statistics both by institution and government-wide. The reports are divided into two categories: General and Personal.

Applications for general information refer to records in the possession, or under the control, of a government institution other than those described as personal information in Section 24 of the Act.

Applications for personal information refer to records in the possession, or under the control, of a government institution described in Section 24 of the Act.

The following tables reflect the results of those reports.

Table A – Freedom of Information Statistical Summary Report

- provides information on the number of applications received government-wide, their status, the processing time in completing the applications, the fees estimated to process the request, and the fees collected once access was provided for the fiscal years 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06.

Table B – Exemptions Used to Deny Access

- provides statistics on exemptions applied to deny access for the fiscal years 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06. These statistics are presented by mandatory exemptions, discretionary exemptions and other.

Table C – Freedom of Information Statistics by Institution – Applications for General information

- provides statistics, by institution, on the number of general information requests received by each institution, the action taken on those requests, and the fees collected. If an institution is not listed, it did not receive any general information requests during the 2005-06 fiscal year.

Table D – Freedom of Information Statistics by Institution – Applications for Personal Information

- provides the same information as above regarding the number of personal information requests received. Again, if an institution is not listed, it did not receive any personal information requests during the 2005-06 fiscal year.

Table A

**Freedom of Information Statistical Summary Report
2001-02 to 2005-06**

	2001-02 Fiscal Year		2002-03 Fiscal Year		2003-04 Fiscal Year		2004-05 Fiscal Year		2005-06 Fiscal Year	
	Personal	General	Personal	General	Personal	General	Personal	General	Personal	General
Applications Received	141	271	145	340	159	372	970*	396	176	421
Plus: Applications Carried Forward from Last Year	8	57	7	41	16	19	13	72	480	45
Less: Applications Withdrawn	5	18	2	25	1	17	2	25	466	23
Applications Carried Forward to Next Year	7	41	16	19	13	72	480	45	27	41
Total Applications Processed	137	269	134	337	161	302	501	398	163	402
Applications Status										
Access Granted	37	148	24	194	48	188	61	233	56	234
Access Denied	56	41	40	38	37	25	25	39	24	38
Partially Granted	28	36	49	47	58	30	39	73	50	61
Do Not Require FOI for Access	2	3	9	11	7	8	11	10	17	14
Records Do Not Exist	11	40	7	47	9	50	361*	37	14	52
Records Could Not Be Found	3	1	5	0	2	1	4	6	2	3
Totals	137	269	134	337	161	302	501	398	163	402
Processing Time of Applications Completed										
Processed Within 30 Days	101	239	108	291	114	272	464	328	117	333
Processed Within 31-60 Days	27	25	22	41	30	29	23	63	25	60
Processed in More than 60 Days	9	5	4	5	17	1	14	7	21	9
Total Fees Estimated ²	\$ 253	\$18,934	\$ 498	\$20,882	\$ 45	\$28,861	\$ 0	\$62,846	\$ 25	\$76,827
Total Fees Collected ²	\$ 203	\$ 1,670	\$ 249	\$ 6,293	\$ 45	\$ 93	\$ 45	\$ 570	\$ 2,485	\$ 1,611

² The total fees estimated can vary significantly from the total fees collected. The total fees estimated is the cost assessed to process applications as determined by the fee structure outlined in the Regulations. The total fees collected refer to fees actually collected from the applicants. The applicant has several options in regard to the fees. The applicant can: modify the application in order to reduce the costs, request a waiver of the fees, or decide not to pay the fees and therefore not receive access to the records. The Regulations (Section 9) are very specific regarding the types of circumstances in which the Head can waive fees.

* The increase of personal applications for the 2004-05 fiscal year is attributed to a large number of applications which a department received for records which did not exist.

Table B
Exemptions Used to Deny Access
2001-02 to 2005-06

Mandatory Exemptions	Section	2001-02 Fiscal Year	2002-03 Fiscal Year	2003-04 Fiscal Year	2004-05 Fiscal Year	2005-06 Fiscal Year
Records from Other Governments	13(1)	9	12	2	5	3
Cabinet Documents	16	47	14	6	10	10
Third Party Information	19	92	49	41	35	42
Confidentiality Provisions in Other Enactments	23	30	24	26	15	25
Disclosure of Personal Information	29	20	49	42	72	76
Personal Information of a Deceased Individual	30	3	1	2	0	0
Totals		201	149	119	137	156
Discretionary Exemptions	Section					
Records from Local Authorities	13(2)	3	1	1	8	4
Information Injurious to Intergovernmental Relations	14	2	3	0	0	2
Law Enforcement and Investigations	15	110	44	31	21	23
Advice from Officials	17	156	74	44	44	59
Economic and Other Interests	18	59	27	29	18	27
Testing Procedures, Tests and Audits	20	2	0	0	1	1
Danger to Health or Safety	21	1	8	3	2	14
Solicitor-Client Privilege	22	22	10	17	17	32
Individual's Access to Personal Information	31(2)	0	0	0	0	2
Totals		335	167	125	111	164
Other Exemptions	Section					
Not a Government Institution	2(1)d	0	0	0	0	0
Published Material or Public Record	3(1)a,b	0	12	3	10	9
Existing Rights Preserved	4	0	0	0	0	4
Right of Access Defined	5	0	0	0	0	0
Unable to Identify a Record	6(3)	0	0	0	0	0
Published Material or Material that is to be Published	7(2)b,c	9	0	2	1	0
Records Do Not Exist	7(2)e	44	47	57	405*	68
Refuse to Confirm/Deny Records Exist	7(4)	1	2	3	1	0
Totals		54	61	65	417	81

Note: The numbers in these columns indicate every time an exemption was used to deny access fully or in part. The exemption may be used several times in relation to an individual application and more than one exemption may be used for each application.

* The increase to the usage of 7(2)(e) for the 2004-05 fiscal year is attributed to a large number of applications which a department received for records which did not exist.

Table C
Freedom of Information Statistics by Institution – Applications for General Information
2005-06 Fiscal Year

Institution	Application Carried Forward from Last Year	Total # Requests Received This Year *	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Application Withdrawn	Application Carried Forward Next Year	Fees Collected
Agriculture, Food and Rural Revitalization	0	9	6	2	0	1	0	0	0	0	\$ 0.00
Community Resources and Employment	3	15	5	0	3	2	1	0	0	4	390.50
Corrections and Public Safety	0	7	1	1	1	0	0	1	0	3	0.00
Crown Investments Corporation	0	8	4	0	3	0	1	0	0	0	0.00
Culture, Youth and Recreation	2	10	5	1	3	0	1	0	0	0	710.00
Environment	1	49	32	0	0	0	12	0	4	1	90.50
Executive Council	0	12	7	0	0	0	5	0	0	0	0.00
Finance	1	16	9	2	2	0	1	0	1	1	2.50
First Nations and Métis Relations	0	9	0	0	0	0	2	0	7	0	0.00
Government Relations	6	23	7	1	4	8	1	0	0	2	0.00
Health	5	26	3	2	7	0	9	0	2	3	0.00
Highways and Transportation	1	19	14	2	0	0	0	1	0	2	0.00
Industry and Resources	0	9	5	0	2	0	2	0	0	0	0.00
Information Services Corporation	0	1	1	0	0	0	0	0	0	0	0.00
Investment Saskatchewan	0	8	5	0	1	0	2	0	0	0	0.00
Justice	1	15	5	2	7	0	0	0	0	1	120.00
Labour	6	31	13	1	8	0	5	1	0	3	0.00
Learning	1	11	9	0	1	0	0	0	0	1	0.00
Liquor and Gaming Authority	0	24	15	4	3	0	0	0	0	2	0.00
Northern Affairs	0	16	10	4	0	1	1	0	0	0	0.00
Office of the Rentalsman	0	1	1	0	0	0	0	0	0	0	0.00

Table C (continued)
Freedom of Information Statistics by Institution – Applications for General Information
2005-06 Fiscal Year

Institution	Application Carried Forward from Last Year	Total # Requests Received This Year *	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Application Withdrawn	Application Carried Forward to Next Year	Fees Collected
Police Complaints Investigator	3	4	0	4	0	0	0	0	0	0	\$ 0.00
Property Management	4	18	15	0	0	0	0	0	2	1	0.00
Public Service Commission	0	10	4	4	2	0	0	0	0	0	0.00
Sask. Gaming Corporation	0	1	0	1	0	0	0	0	0	0	0.00
Sask. Government Growth Fund Management Corporation	0	1	0	0	1	0	0	0	0	0	0.00
Sask. Government Insurance	3	19	5	0	1	0	0	0	6	7	0.00
Sask. Police Commission	0	1	1	0	0	0	0	0	0	0	0.00
Sask. Power Corporation	3	35	25	0	2	0	3	0	0	5	0.00
Sask. Telecommunications	2	24	7	4	5	1	4	0	1	2	178.25
Sask. Transportation Company	0	4	2	1	0	0	1	0	0	0	0.00
Sask. Watershed Authority	0	5	0	1	2	0	0	0	0	2	0.00
SaskEnergy Incorporated	3	15	10	1	3	0	1	0	0	0	120.00
Workers' Compensation Board	0	10	8	0	0	1	0	0	0	1	0.00
Totals	45	466	234	38	51	14	52	3	23	41	\$1,611.75

* Includes requests carried forward from previous fiscal year.

Table D
Freedom of Information Statistics by Institution – Applications for Personal Information
2005-06 Fiscal Year

Institution	Application Carried Forward from Last Year	Total # Requests Received This Year	Granted	Denied	Partially Granted	Act Not Required	Records Do Not Exist	Records Not Found	Application Withdrawn	Application Carried Forward to Next Year	Fees Collected
Agriculture, Food and Rural Revitalization	0	2	0	1	0	0	0	0	1	0	\$ 0.00
Automobile Injury Appeal Commission	1	1	0	0	0	0	0	0	1	0	0.00
Community Resources and Employment	1	37	8	11	5	11	1	0	1	0	0.00
Corrections and Public Safety	0	21	0	3	16	0	0	0	0	2	0.00
Crown Investments Corporation	1	6	4	0	2	0	0	0	0	0	0.00
Environment	1	1	0	0	0	0	0	0	1	0	0.00
Finance	0	6	5	0	0	0	0	0	0	1	0.00
Health	0	8	4	0	0	3	1	0	0	0	2,460.00
Justice	1	9	0	2	1	0	0	0	1	5	0.00
Labour	456	463	3	0	1	0	0	2	457	0	0.00
Learning	2	3	0	0	1	0	0	0	0	2	0.00
Public Guardian and Trustee of Saskatchewan	0	1	0	1	0	0	0	0	0	0	0.00
Public Service Commission	0	1	0	1	0	0	0	0	0	0	0.00
Sask. Crop Insurance Corporation	1	4	2	2	0	0	0	0	0	0	0.00
Sask. Financial Services Commission	0	1	0	0	0	0	0	0	0	1	0.00
Sask. Government Insurance	15	74	29	2	23	0	1	0	4	15	25.00
Sask. Housing Corporation	0	3	0	0	1	0	1	0	0	1	0.00
Sask. Human Rights Commission	1	11	0	1	0	0	10	0	0	0	0.00
Workers' Compensation Board	0	4	1	0	0	3	0	0	0	0	0.00
Totals	480	656	56	24	50	17	14	2	466	27	\$2,485.00

* Includes requests carried forward from previous fiscal year.

Appeals to the Information and Privacy Commissioner

Section 49 of *The Freedom of Information and Protection of Privacy Act* provides a right of review to applicants by the Information and Privacy Commissioner:

- where an applicant is not satisfied with the decision of a head ...;
- where a head fails to respond to an application for access to a record within the required time; or
- where an applicant requests a correction of personal information ... and the correction is not made.

During the 2005-06 fiscal year, the Information and Privacy Commissioner advised government institutions of his intent to review 42 of the decisions made by government institutions refusing access to records.

Further details on these reviews can be obtained from the Information and Privacy Commissioner's Annual Report available at www.oipc.sk.ca.

